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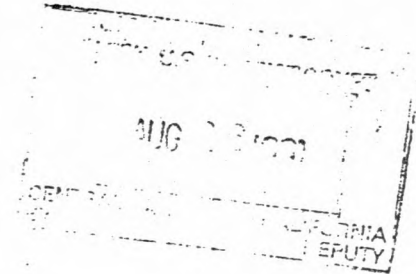
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20
21 UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

22 VICKI J. AZNARAN and) CASE No. CV 88-1786 JMI(Ex)
23 RICHARD N. AZNARAN,)
Plaintiffs,) SUPPLEMENTAL MEMORANDUM IN SUPPORT
24 v.) OF DEFENDANTS' MOTION TO DISMISS
COMPLAINT WITH PREJUDICE;
25 CHURCH OF SCIENTOLOGY OF) DECLARATIONS OF SAM BROWN, THORN
26 CALIFORNIA, et al.,) SMITH, EDWARD AUSTIN, LYNN R.
FARNY AND LAURIE J. BARTILSON
27 Defendants.)
28 AND RELATED COUNTERCLAIMS.) DATE: To be determined
TIME: To be determined
COURTROOM: Hon. James M. Ideman



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1 to have a courier pick up the oppositions, the telephone was
2 answered by a person who identified himself as Gerald Armstrong
3 ("Armstrong"). (Ex. F, Declaration of Laurie J. Bartilson,
4 para. 3.) When queried as to his presence there, Armstrong
5 stated that he was "helping out." (Id.) Additional papers
6 were late-filed with the Court by Greene on August 23, and not
7 surprisingly, Armstrong's presence at Greene's office continued
8 after the August 19 filings for several more days. (Ex. D,
9 Declaration of Sam Brown, para. 3.)

10 Armstrong has recently been identified as a paralegal
11 hired by Yanny to work with him on this case. Yanny
12 represented in argument to Los Angeles Superior Court that he
13 had "hired Armstrong as a paralegal to help [him] on the
14 Aznaran case." (Ex. G, Reporter's Transcript of August 6,
15 1991, at 25.) Armstrong confirmed this characterization, as did
16 Yanny in a declaration. (Ex. B, Declaration of Joseph A.
17 Yanny, July 31, 1991, para. 4; Ex. H, Declaration of Gerald
18 Armstrong, July 19, 1991, para. 4.) As Armstrong is Yanny's
19 paralegal on this case, his new affiliation as an assistant to
20 Ford Greene is truly outrageous. Not only has Yanny been
21 disqualified point blank by the Court from representing the
22 Aznarans, he has also been forbidden from directly or
23 indirectly acting as counsel against defendants on behalf of
24 the Aznarans or Gerald Armstrong by preliminary injunction
25 entered on August 6 at the hearing in which the statement was
26 proffered that Armstrong was his paralegal on this case.
27 Religious Technology Center, et al. v. Yanny, et al.,
28 Case No. BC 033035. (Ex. G, Transcript of August 6, 1991, at

1 3-4.)

2 This Court disqualified attorney Barry Van Sickle from
3 representing plaintiffs as being "an extension of Joseph
4 Yanny's continuing involvement in the instant action." (slip.
5 op. September 6, 1988). Here again, Yanny's involvement in
6 this case continues, this time through a different "extension"
7 -- the improper activities of Yanny's paralegal, Gerald
8 Armstrong, whose actions are just as improper as they would be
9 if done by a lawyer. In re Complex Asbestos Litigation 91
10 D.A.R. 8849 (1991).

11 That Armstrong is amenable to the kind of covert
12 representation in which Yanny is engaging in this case is
13 highlighted by his recorded remarks made in November 1984. At
14 that time, Armstrong was plotting against the Scientology
15 Churches and seeking out staff members in the Church who would
16 be willing to assist him in overthrowing Church leadership. The
17 Church obtained information about Armstrong's plans and,
18 through a police-sanctioned investigation, provided Armstrong
19 with the "defectors" he sought. On November 30, 1984, Armstrong
20 met with one Michael Rinder, an individual whom Armstrong
21 thought to be one of his "agents" (but who in reality was loyal
22 to the Church). In the conversation, recorded with written
23 permission from law enforcement, Armstrong stated the following
24 in response to questions by Mr. Rinder as to whether they had
25 to have actual evidence of wrongdoing to make allegations
26 in Court against the Church leadership:

27 ARMSTRONG: They can allege it. They can allege
28 it. They don't even have -- they can allege it.

1 RINDER: So they don't even have to -- like -- they
2 don't have to have the document sitting in front
3 of them and then --

4 ARMSTRONG: Fucking say the organization destroys
5 the documents.

6 * * *

7 Where are the -- we don't have to prove a goddamn
8 thing. We don't have to prove shit; we just have
9 to allege it.

10 (Ex. E, Declaration of Lynn R. Farny, para. 6.) With such
11 a criminal attitude, Armstrong fits perfectly into Yanny's game
12 plan for the Aznaran case.

13 It is apparent that Yanny's disqualification from this
14 case has simply driven him back underground. He challenged the
15 Court by appearing directly in this case and lost. So he now
16 sends his paralegals to aid Greene in his prosecution of the
17 case, thereby doing indirectly what this Court and the Los
18 Angeles Superior Court have forbidden him to do at all. Greene
19 and the Aznarans are obviously aware that the Court
20 disqualified Yanny and ruled his participation in this case to
21 be "highly prejudicial to Defendants" because of Yanny's former
22 representation of defendants. This was the same order which
23 removed Yanny and put Greene back into the case as plaintiffs'
24 counsel. Thus, the Aznarans, their former attorney and their
25 present attorney are equally culpable for permitting Yanny to
26 continue his participation in this case to the adjudicated

27 ///

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